

Wetlands Bureau Decision Report

Decisions Taken
08/30/2009 to 09/06/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MINOR IMPACT PROJECT

2006-03231 HALVORSEN HOLDINGS, LLC, JOHN HALVORSEN
LEBANON Unnamed Wetland Mascoma Lake

Requested Action:

Dredge and fill 7,866 square feet of palustrine forested and wet meadow wetlands for access to and construction of a 69-unit residential housing development.

APPROVE PERMIT:

Dredge and fill 7,866 square feet of palustrine forested and wet meadow wetlands for access to and construction of a 69-unit residential housing development.

With Conditions:

1. All work shall be in accordance with plans by Advanced Geomatics & Design dated March 12, 2007 and November 12, 2007, and not revised; and plans dated March 12, 2007, and November 12, 2007, and revised through December 10, 2007; and plans dated December 5, 2007, as received by the DES Wetlands Bureau on December 12, 2007.
2. This permit is contingent on approval by the DES Shoreland Program.
3. The applicant shall notify DES, the local conservation commission and the Mascoma Lake Association in writing of their intention to commence construction no less than 5 business days prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Culverts shall be laid at original grade.
19. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
20. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

23. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. See reconsideration approval findings.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Approve reconsideration request to dredge and fill 7,866 square feet of palustrine forested and wet meadow wetlands for access to and construction of a 69-unit residential housing development.

APPROVE RECONSIDERATION:

Approve reconsideration request to dredge and fill 7,866 square feet of palustrine forested and wet meadow wetlands for access to and construction of a 69-unit residential housing development.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. That they understand the application was denied due to concerns regarding the impaired Mascoma Lake, lack of a DES Alteration of Terrain Bureau approval and local concerns. Reconsideration was requested and timeframes provided for the submittal of a pollutant loading analysis to the DES Watershed Management Bureau and an application to the DES Alteration of Terrain Bureau. The reconsideration continues to discuss every item listed in the denial.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.
4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.
2. On December 26, 2006, the NH Department of Environmental Services ("DES") received an application to dredge and fill 9,058 square feet of jurisdictional wetlands for the construction of and access to a 71-unit residential housing development.
3. The application was deemed Administratively Complete on January 03, 2007.
4. In correspondence dated December 28, 2006, the Lebanon Conservation Commission notified DES of its intent to intervene.
5. In correspondence dated January 18, 2007, the Environmental Protection Agency (EPA), requested vernal pool survey results.
6. In correspondence dated February 23, 2007, the Lebanon Conservation Commission recommended not approving the proposed project due to site topography, proposed impervious surfaces, existing drainage issues, water quality impacts to Mascoma Lake,

impacts to wildlife, the subject parcels proximity to the Shaker Mountain Conservation District in Enfield. The Commission also suggested a hydrological study is completed to determine the exact runoff and contribution of water to Mascoma Lake and that mitigation and treatment of the runoff be considered at the base of the site, without emptying into Mascoma Lake.

7. On March 19, 2007, DES issued a Request for More information, addressed to the Applicant and copied to the Agent's of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the Applicant to submit additional information to DES within 120 days of the request.
8. The March 19, 2007, letter requested the Applicant submit a vernal pool survey as requested by the EPA; address the Lebanon Conservation Commission February 23, 2007, concerns; clarify the status of on-site construction; provide the total square feet of altered terrain and indicated DES Alteration of Terrain Program approval may be required; provide details for abutter notification clarification; submit a legible subdivision plan in accordance with Rule Env-Wt 304.09 and DES stated the illegible scale prohibited review of the least impacting alternative; submit additional details regarding the cut-slope origin of onsite wetlands, including existing logging road locations and additional photographs; address the statement that submitted plans appear to indicate wetland impacts were not avoided to the greatest extent possible and DES offered alternative/revision possibilities to eliminate impact areas; address the concern that construction appeared to redirect jurisdictional flows, which is not approvable; submit plans that include culvert details and proposed erosion and siltation controls; provide details for any streams on the property; submit a wetland delineation in accordance with Rule Env-Wt 301.01; submit a construction sequence; and submit plans for conceptual development upslope.
9. On March 23, 2007, after review of revised project materials, the Lebanon Conservation Commission reiterated their February 23, 2007, comments and included clarification of a hydrologic study.
10. On July 17, 2007, DES received a response to some of the items requested in the March 19, 2007, letter.
11. On August 15, 2007, DES issued a letter requesting outstanding items of the March 19, 2007, letter and additional items determined necessary after review of legible plans for the portion of the property proposed for development, including that the vernal pool response be submitted directly to the EPA for review and comment; continued coordination with the Lebanon Conservation Commission to address their ongoing project concerns; submittal of a DES Alteration of Terrain Bureau application to allow for review required to address drainage and stormwater management concerns; legible plans in accordance with Rules Env-Wt 304.09 and 301.01; confirmation hydrology will be maintained in areas where wetland impacts cannot be avoided; culvert details and methods of erosion and siltation controls; legible plans in accordance with Rule Env-Wt 301.01; shoreland setbacks on plans and required materials in accordance with Rule Env-Wq 1409.03; details for wells in jurisdiction; and details for an unidentified structure in jurisdiction.
12. In email correspondence dated August 15, 2007, the Lebanon Conservation Commission stated (after review of revised project materials) that their original comments and concerns stand.
13. In correspondence received by the DES Wetlands Bureau on September 09, 2007, the Mascoma Lake Association submitted a letter of opposition to the proposed project, which included concerns regarding water quality impacts to Mascoma Lake, a Lebanon drinking water supply, and aesthetic and traffic concerns.
14. On December 12, 2007, DES received a response to some of the items requested in the August 16, 2007, letter.
15. The information received on December 12, 2007, did not provide structures at each crossing or sufficient details for proposed structures to allow DES to confirm wetland hydrology will be maintained and stormwater will not be detained or treated in jurisdictional wetlands.
16. The information received on December 12, 2007, did not provide adequate erosion and sediment control details.
17. The information received on December 12, 2007, did not provide supporting evidence that the applicant will continue to coordinate with the Lebanon Conservation Commission.
18. Based on RSA 482-A:3, XIV(b) the department denied the application on January 10, 2008, because the issues raised in the RFMI were not addressed.
19. A request for reconsideration was received on January 30, 2008. The reconsideration outlined planned submittal of a DES Alteration of Terrain Bureau application and pollutant loading analysis to the DES Watershed Management Bureau. The reconsideration continues to discuss every item listed in the denial.
20. A DES Alteration of Terrain Bureau application was received on February 15, 2008.
21. A pollutant loading analysis was submitted to the DES Watershed Management Bureau in February 2008.
22. In correspondence received February 22, 2008, the Mascoma Lake Association expressed in support for the denial of the application and concerns regarding the proposed projects possible impacts to the water quality of Mascoma Lake.
23. The DES Wetlands Bureau completed a site-inspection of the subject parcel on May 13, 2008.
24. DES Alteration of Terrain and Watershed Management Bureau review was required prior DES Wetlands Bureau approval to address submitted project concerns regarding stormwater and water quality issues. DES Alteration of Terrain Bureau approval (representing DES Watershed Management Bureau) approval was issued on August 05, 2009 (WPS-8426).

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2006-03231.

2007-01152 IORIO, MATTHEW
DUBLIN Unnamed Stream

Requested Action:

Dredge and fill \pm 6,215 sq. ft. of perennial stream and palustrine scrub-shrub and forested wetlands for driveway access to a proposed farm site and paddock, including installation of a 4-foot x 3-foot x 24-foot open bottom box culvert.

APPROVE PERMIT:

Dredge and fill \pm 6,215 sq. ft. of perennial stream and palustrine scrub-shrub and forested wetlands for driveway access to a proposed farm site and paddock, including installation of a 4-foot x 3-foot x 24-foot open bottom box culvert.

With Conditions:

1. All work shall be in accordance with plans by CHA dated November 30, 2007, not revised and revised through June 09, 2009, as received by the DES Wetlands Bureau on June 24, 2009 and plans dated July 07, 2009, as received by the DES Wetlands Bureau on July 20, 2009.
2. Work shall be done during low flow conditions.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

20. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

21. A post-construction report documenting the status of the constructed crossings shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. Submittal of a Standard Dredge and Fill Application was required by the DES Wetlands Bureau Letter of Deficiency (LOD) dated June 08, 2007.
3. A Restoration Plan Approval was issued by the DES Wetlands Bureau on July 09, 2007.
4. DES Wetlands Bureau correspondence dated December 01, 2008, listed LOD outstanding items to include submittal of a DES Alteration of Terrain and Standard Dredge and Fill Application and submittal of a monitoring report after the first growing season following restoration.
5. A monitoring report was received on December 11, 2008.
6. The Standard Dredge and Fill Application was received on December 24, 2008.
7. DES Alteration of Terrain Bureau approval was issued on January 20, 2009, (WPS-8327).
8. The Applicant revised the original permit application to include installation of a larger open-bottomed box culvert at crossing #1 and to remove the third and final proposed crossing.
9. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02879 RMR PACIFIC LLC, ROBERT FRIES
DANBURY Bog Pond

Requested Action:

Amend the existing permit to allow for the temporary pipe an additional year as the agreement with NH Fish and Game for the permanent easement has not yet been completed.

APPROVE AMENDMENT:

Temporarily impact 11,500 square feet of palustrine wetland and emergent wetland for installation of an above ground water withdrawal line for snowmaking.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated September 2008, as received by the Department on September 15, 2008 and detail sheet dated December 17, 2007 as received by the Department on December 27, 2007.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
- 3 This permit is for a an above ground pipe installation, and shall only be used on an annual basis with additional approval of NHDES Wetlands Bureau.
4. This permit is for a one year water withdrawal and additional years of withdrawal shall be only be used with the approval of the NHDES Watershed Bureau.
5. The temporary waterline shall be installed without disturbance of any natural features of the Conservation Land.
6. The temporary waterline shall have a 10 foot construction envelope as specified by NH Fish and Game.
7. The waterline shall be installed above ground.
8. Work shall be done during dry or frozen conditions.

9. The construction, maintenance, and removal of the Temporary Water line shall be done in accordance with the construction sequence by Horizons Engineering dated October 24, 2008, as received on October 27, 2008.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Area of temporary construction impact shall be regraded to original contours within 2 days of the installation of the pipe line.
12. Mulch within the restoration area shall be straw.
13. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
14. Within 3 days of completion of the pipeline all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The water level and flow rate shall be monitored and recorded at least daily at the culvert under the so-called Ragged Mountain Road.
16. Water flow rate and water levels shall be monitored and recorded at least daily at the concrete culvert below the dam which impounds the so-called Danbury Bog.
17. At the first pumping start, Ragged Mountain shall measure and record water levels and measurement times at the culvert under Ragged Mountain Road at least at the following intervals: two hours before pumping begins, at the start of pumping, at the start of each hour for the first 6 hours, at the 12-hour, and 24-hour of pumping. Ragged Mountain shall submit those data to DES (Wayne.Ives@des.nh.gov) and F&G (Steven.Weber@wildlife.nh.gov) on the second day of pumping.
18. A minimum flow of 3.4 cubic feet per second (Winter Q80) shall be maintained at all times from January 1, 2010, until March 14, 2010. Pumping shall be reduced or water released from storage behind the dam to maintain this flow at the culvert below the dam which impounds the so-called Danbury Bog.
19. The flow rate of 3.4 cubic feet per second is not considered an appropriate long-term multiyear stream flow condition each additional year of withdrawal shall seek an additional written approval from DES Watershed for appropriate flow rates at the culvert below the dam which impounds the so-called Danbury Bog.
20. The maximum pumping rate allowed shall not exceed 1.1 cubic feet per second (500 gallons per minute).
21. Withdrawal volumes will be metered or estimated using approved methods. A flow measurement method will be approved in writing by DES Watershed Management Bureau and installed prior to commencement of withdrawal. Withdrawal rates and pumping start and end times may be used to estimate withdrawal volumes. Withdrawal volumes will be determined and recorded each time pumping rates change and at a minimum frequency of once every 12 hours.
22. All pumping shall cease if the water level measured at the culvert under Ragged Mountain Road falls 4 inches below the level recorded between October 27 and November 8, 2010.
23. The time and date for all flow and water level measurements will be recorded.
24. A report of all water level, flow and withdrawal measurements shall be submitted via email by Monday noon each week to Wayne.Ives@des.nh.gov and to Steven.Weber@wildlife.nh.gov.
25. The permittee shall cease withdrawals from the Danbury Bog immediately if the conditions specified in the conditions above occur.
26. The temporary water line shall be removed at the terminus of the agreement with NH Fish and Game and the area restored to preconstruction conditions within thirty days following the termination of the agreement.
27. A post-construction report documenting the status of the restored jurisdictional areas shall be submitted to the Wetlands Bureau for the temporary construction impacts by December 1, 2010.
28. A post-construction report documenting the status of the restored jurisdictional areas shall be submitted to the Wetlands Bureau for the temporary pipe impacts by May 1, 2010.

With Findings:

The Department reaffirms the following findings of the original approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The proposed water withdrawal has been reviewed by DES Watershed.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

6. The applicant is going to monitor the water levels in accordance with the permit to maintain downstream flows.
7. The applicant has provided a signed copy of the agreement with NH Fish and Game.

And makes the following additional findings:

8. The applicant is still working to obtain agreement for a permanent easement that will allow for an underground pipe. This agreement with NH Fish and Game has still not been finalized.

2008-00802 TASKER, MICAH
MILTON Unnamed Stream

Requested Action:

Dredge and fill a total of 4,792 sq. ft. of wetlands over two locations, including installation of a 15" x 25' culvert, for construction of a driveway to a single family house lot.

APPROVE PERMIT:

Dredge and fill a total of 4,792 sq. ft. of wetlands over two locations, including installation of a 15" x 25' culvert, for construction of a driveway to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering Inc. dated April 16, 2008, as received by DES on May 14, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
the jurisdiction of the DES Wetlands Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Dredged material shall be placed outside of

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands, that are not minimum pursuant to Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. It is necessary to cross wetlands to access the buildable uplands on the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported for the project vicinity by the NH Natural Heritage Bureau. The applicant completed a vernal pool survey at the request of EPA, which satisfied the concerns of that agency.
5. The Milton Conservation Commission did not report.

2009-00593 UNH, UNH RITZMAN LABORATORY
DURHAM Unnamed Wetland

Requested Action:

Dredge and fill a total of 18,957 sq. ft. of wetlands, including 2,863 sq. ft. of temporary impact, and 16,094 sq. ft. of permanent impact for construction of a multi-use bike path/pedestrian walkway adjacent to .62 miles of western Main St. to connect the West Edge Parking lot and other facilities to the Main Campus.

Approve as mitigation in-lieu fee payment of \$14,653.53, and execution of mitigation area B, per plans by the Maguire Group, Inc. entitled "University of NH and Town of Durham Main Street West Improvements - Wetland Creation Plan" dated 7/17/2009, as received by DES on 7/29/2009.

APPROVE PERMIT:

Dredge and fill a total of 18,957 sq. ft. of wetlands, including 2,863 sq. ft. of temporary impact, and 16,094 sq. ft. of permanent impact for construction of a multi-use bike path/pedestrian walkway adjacent to .62 miles of western Main St. to connect the West Edge Parking lot and other facilities to the Main Campus.

Approve as mitigation in-lieu fee payment of \$14,653.53, and execution of mitigation area B, per plans by the Maguire Group, Inc. entitled "University of NH and Town of Durham Main Street West Improvements - Wetland Creation Plan" dated 7/17/2009, as received by DES on 7/29/2009.

With Conditions:

1. All work shall be in accordance with plans by Maguire Group Inc. dated 3/2/2009, as received by DES on 4/6/2009.
2. This approval is contingent on receipt by DES of a one time payment of \$ 14,653.53 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This approval is contingent on approval by the DES Alteration of Terrain Program.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. This permit is contingent on approval by the DES Alteration of Terrain Program if applicable.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

Wetland construction:

1. This permit is contingent upon the creation of 17,390 sq. ft. of wetlands in accordance with plans by the Maguire Group, Inc. entitled "University of NH and Town of Durham Main Street West Improvements - Wetland Creation Plan" dated 7/17/2009, as received by DES on 7/29/2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland (creation/restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands that exceed minimum impact criteria.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The pedestrian way will provide safe, alternative access, immediately adjacent to a busy road from the outskirts of town to the Main Campus, where none currently exists.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impact is confined to edges immediately adjacent to Main St.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Inventory.
5. The Durham Conservation Commission did not report.
6. The combination of creation of 17,390 sq. ft. of wetlands, and in-lieu fee payment to the ARM fund of \$14,653.53 meets the requirements of Chapter Env-Wt 800 for adequate compensatory mitigation for this project.

2009-00897 NH FISH & GAME DEPARTMENT
EATON Purity Lake

Requested Action:

Remove existing stairs and wharf, excavate and construct a 6 ft x 81 ft access stairway with a 6 ft x 10 ft landing pad, and stabilize excavated bank slopes with class C stone on Purity Lake, in Eaton.

Conservation Commission/Staff Comments:

Con Com has not submitted comments by July 24, 2009

APPROVE PERMIT:

Remove existing stairs and wharf, excavate and construct a 6 ft x 81 ft access stairway with a 6 ft x 10 ft landing pad, and stabilize excavated bank slopes with class C stone on Purity Lake, in Eaton.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford, and Thorndike dated August 30, 2007, as received by DES on May 15, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee.
3. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during draw down.
6. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Purity Lake.
8. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
9. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
10. The boat ramp shall be utilized indefinitely as a public access to Purity Lake and shall not change in use.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will provide carry in public boat access to the water body.

**2009-01615 GREENVILLE, TOWN OF
GREENVILLE Tributary To Souhegan River**

Requested Action:

Dredge and fill ± 200 sq. ft. of unnamed perennial stream at White St. to replace a 48-inch x 26-foot galvanized culvert with a 4-foot x 8-foot x 26-foot closed bottom concrete box culvert.

APPROVE PERMIT:

Dredge and fill ± 200 sq. ft. of unnamed perennial stream at White St. to replace a 48-inch x 26-foot galvanized culvert with a 4-foot x 8-foot x 26-foot closed bottom concrete box culvert.

With Conditions:

1. All work shall be in accordance with plans received by the DES Wetlands Bureau on August 04, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

3. Work shall be done during annual low flow conditions.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
19. The channel at the culvert inlet and outlet must maintain the natural and a consistent streambed elevation and not impede stream flow.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
26. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
27. A post-construction report documenting the status of the completed construction, including photographs of the culvert inlet and outlet that also illustrate the stream channel and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a nontidal perennial stream channel and its banks.
2. The Applicant has confirmed the stream's channel width is 8 feet and top-of bank width is 10 feet.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01684 JUDITH HUDSON REVOC TRUST, JUDITH & ROBERT HUDSON
ALTON Lake Winnepesaukee

Requested Action:

Install a permanent boat lift in the center slip of an existing 8 ft x 33 ft 5 in dock connected to a 8 ft x 33 ft 5 in dock by a 9 ft x 12 ft walkway, supported by two 8 ft x 20 ft cribs, on an average of 150 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a permanent boat lift in the center slip of an existing 8 ft x 33 ft 5 in dock connected to a 8 ft x 33 ft 5 in dock by a 9 ft x 12 ft walkway, supported by two 8 ft x 20 ft cribs, on an average of 150 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 17, 2009, as received by DES on August 05, 2009.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2009-00631 HOME DEPOT USA INC, PROPERTY TAX DEPT 3402
SOMERSWORTH Unnamed Wetland

Requested Action:

Impact 450 sq. ft. of wetlands to repair a detention pond outlet structure.

APPROVE PERMIT:

Impact 450 sq. ft. of wetlands to repair a detention pond outlet structure.

With Conditions:

1. All work shall be in accordance with revised plans by Civil Construction Management Inc. dated 7/21/2009, as received by DES on 7/29/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance of a non-docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing detention basin outlet structure has failed.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has reduced the design from 1,200 sq. ft. of impact to 450 sq. ft. while attaining the necessary elevation for proper function.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Somersworth Conservation Commission did not report.

2009-00880 NELSON, JOHN
DURHAM Little Bay

Requested Action:

Retain temporary impact to 200 sq. ft. of developed upland tidal buffer zone, following Emergency Authorization issued 5/14/2009, to install a replacement septic tank associated with the replacement of a failed septic system adjacent to Great Bay.

APPROVE AFTER THE FACT:

Retain temporary impact to 200 sq. ft. of developed upland tidal buffer zone, following Emergency Authorization issued 5/14/2009, to install a replacement septic tank associated with the replacement of a failed septic system adjacent to Great Bay.

With Conditions:

1. All work shall have been in accordance with plans by Stockton Services dated 5/6/2009, as received by DES on 5/15/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed uplands areas within 100 feet of the highest observable tide line that are not major or minor.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project was necessary to replace a failed septic system.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Durham Conservation Commission did not report.

2009-01204 THE SCOPA FAMILY TRUST, PETER SCOPA
NORTHFIELD William Brook

Requested Action:

Proposal to restore 1,347 sq. ft. of perennial stream bed and banks (approximately 135 linear ft.) and 283 sq. ft. of an existing fire pond that has been filled in with sediment as a result of a past storm event.

APPROVE PERMIT:

Restore 1,347 sq. ft. of perennial stream bed and banks (approximately 135 linear ft.) and 283 sq. ft. of an existing fire pond that has been filled in with sediment as a result of a past storm event.

With Conditions:

1. All work shall be in accordance with plans by SEC dated 05/21/09, as received by DES on June 12, 2009.
2. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the stream and pond restoration is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur during construction.
3. Work shall be done during low flow.
4. A post-construction report prepared by the CWS documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 30 days of the completion of construction.
5. Wetlands and bank plantings shall have at least 75% successful establishment after two (2) growing seasons, or they shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
6. Any new materials used for the stream restoration shall be similar to the natural stream substrate and shall not include angular rip-rap.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Unconfined work within the stream and pond, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will restore the natural flow path of the stream.
6. The proposed stream restoration will be conducted using natural materials and does not include the use of angular rip-rap.
7. It appears the pond restoration proposal would have qualified as a minimum impact project per Administrative Rule Env-Wt 303.04(k)

2009-01265 RADIAL PROPERTIES LLC
WINDHAM Unnamed Wetland

Requested Action:

Dredge and fill 1,447 sq. ft. of palustrine scrub-shrub wetlands for work associated with the expansion of an existing construction materials storage area.

Conservation Commission/Staff Comments:

No comments were received from the Windham Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill 1,447 sq. ft. of palustrine scrub-shrub wetlands for work associated with the expansion of an existing construction materials storage area.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated 6/8/09, as received by DES on June 23, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2009-01865 SPAULDING, WHITNEY
HANOVER Unnamed Stream

COMPLETE NOTIFICATION:
Hanover Tax Map 6, Lot# 6

2009-01883 FADER, MICHAEL
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 3, Lot# 36P

2009-01884 SMITH, RICHARD
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:
Loudon Tax Map 44, Lot# 2

2009-01885 HALL, GARDNER
GROTON Unnamed Stream

COMPLETE NOTIFICATION:
Groton Tax Map 8, Lot# 1

2009-01887 KENNEBEC WEST FOREST LLC, JOHN SUTTON
ODELL Unnamed Stream

COMPLETE NOTIFICATION:
Odell Tax Map 1620, Lot# 1

2009-01941 MONADNOCK PAPER MILLS INC
BENNINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Bennington Tax Map 9, Lot# 2

2009-01944 STUART, SUSAN
EATON Unnamed Stream

COMPLETE NOTIFICATION:
Eaton Tax Map 7, Lot# 21

2009-01945 **STUART, SUSAN**
FREEDOM Unnamed Stream

COMPLETE NOTIFICATION:
Freedom Tax Map 16, Lot# 9, 10 & 12

2009-01946 **USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST**
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth White Mtn National Forestr

2009-01948 **CASSIER, PATRICK & SANDRA**
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 419, Lot# 88

2009-01950 **BRANNON, RICHARD**
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map 30, Lot# 2

2009-01951 **SWAIN FAMILY TRUST, HOWARD SWAIN**
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 416, Lot# 41

2009-01952 **DICKENS, AMY & CYNTHIA HAYDEN**
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax Map R26, Lot# 1

2009-01953 **KUTYLOWSKI, WALTER**
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Nottingham Tax Map 62, Lot# 5-2

EXPEDITED MINIMUM

2009-00861 GOLUMB, JOHN
PORTSMOUTH Tidal Buffer / Piscataqua River

Requested Action:

Impact a total of 1,050 sq. ft. in the previously developed upland tidal buffer zone to construct an addition with second story deck to an existing restaurant building. The addition is in place of the restaurant's outdoor bar, which has been relocated as part of the City's construction of a small municipal waterfront park and pedestrian way in downtown Portsmouth on the Piscataqua River.

APPROVE PERMIT:

Impact a total of 1,050 sq. ft. in the previously developed upland tidal buffer zone to construct an addition with second story deck to an existing restaurant building. The addition is in place of the restaurant's outdoor bar, which has been relocated as part of the City's construction of a small municipal waterfront park and pedestrian way in downtown Portsmouth on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering dated 5/12/2009 and DeStefano Architects undated elevations, as received by DES on 7/13/2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed uplands within 100 feet of the highest observable tide line that are not minor or major pursuant to Env-Wt 303.03 or 303.02, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant is relocating restaurant facilities displaced by the City of Portsmouth development of improved public access to the Piscataqua waterfront permitted under 2009-1033.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Portsmouth Conservation Commission signed the expedited application.
6. The project is exempt from the requirements of RSA 483-B, the Comprehensive Shoreland Protection Act, pursuant to a finalized urbanized waterfront exemption granted to the City of Portsmouth by DES on 8/28/2009.

2009-01033 HODGSON REVOC TRUST
PORTSMOUTH Piscataqua River

Requested Action:

Impact a total of 6,729 sq. ft. in the previously developed upland tidal buffer zone to remove an existing outdoor restaurant bar building and associated pavement; replace with underground stormwater treatment structure and resurface with technobloc pavers to construct a small municipal waterfront park and pedestrian way in downtown Portsmouth on the Piscataqua River.

APPROVE PERMIT:

Impact a total of 6,729 sq. ft. in the previously developed upland tidal buffer zone to remove an existing outdoor restaurant bar building and associated pavement; replace with underground stormwater treatment structure and resurface with technobloc pavers to construct a small municipal waterfront park and pedestrian way in downtown Portsmouth on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Portsmouth Department of Public Works dated 5/22/2009, as received by DES on 7/2/2009.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B, to the degree applicable for this project. 2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed uplands within 100 feet of the highest observable tide line that are not minor or major pursuant to Env-Wt 303.03 or 303.02, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The City of Portsmouth is seeking to develop and improve public access to the Piscataqua waterfront.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Portsmouth Conservation Commission signed the expedited application.
6. The project complies with RSA 483-B, the Comprehensive Shoreland Protection Act, as the area is currently completely altered, the project will improve stormwater management in this intensely developed urban setting and will reduce the impervious area by 144 sq. ft.

2009-01685 G & C REALTY TRUST, GERARD & CLAIRE MCCABE
ALTON BAY Lake Winnepesaukee

Requested Action:

Replace 6 piles supporting a 6 ft x 33 ft 9 in permanent dock and replace two tie off piles in the southern slip on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace 6 piles supporting a 6 ft x 33 ft 9 in permanent dock and replace two tie off piles in the southern slip on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 24, 2009, as received by DES on August 05, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation

action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.

3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-01728

PSNH

MOULTONBOROUGH Unnamed Wetland

Requested Action:

Proposal to impact 1359 sq. ft. (includes 765 sq. ft. of temporary impacts) of wetlands for the replacement an two existing utility poles, addition of new poles, anchors and a gravel access area.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application.

APPROVE PERMIT:

Impact 1359 sq. ft. (includes 765 sq. ft. of temporary impacts) of wetlands for the replacement an two existing utility poles, addition of new poles, anchors and a gravel access area.

With Conditions:

1. All work shall be in accordance with plans and narratives by Public Service of New Hampshire, plan dated July 30, 2009, as received by DES on August 10, 2009.

2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

immediately.

8. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01781 BATCHELDER REVOC TRUST, CHRISTOPHER
NEW HAMPTON Unnamed Wetland**

Requested Action:

Proposal to impact 694 sq. ft. wetlands to provide access to the "back" portion of 1 lot of a 3-lot residential subdivision. Work in wetlands consists of installation of 15 in. x 20 ft. CPP culvert, associated filling, grading and side slope stabilization.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application.

APPROVE PERMIT:

Impact 694 sq. ft. wetlands to provide access to the "back" portion of 1 lot of a 3-lot residential subdivision. Work in wetlands consists of installation of 15 in. x 20 ft. CPP culvert, associated filling, grading and side slope stabilization.

With Conditions:

1. All work shall be in accordance with the "Existing Conditions and Subdivision Plan of Land" by DMC Surveyors, revision dated October 14, 2008 and "Wetland crossing plan" stamped by Leonard A. Lord, dated February 26, 2009, and narratives as received by DES on August 13, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.

5. Work shall be done during low flow.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

AGRICULTURE MINIMUM

2009-01382 HINMAN, DEBORAH
ACWORTH Tributary To

Requested Action:

Dredge and fill \pm 3,160 sq. ft. of intermittent stream and palustrine forested wetlands to improve an existing woods/farm road for access to forestry/agricultural activities.

APPROVE PERMIT:

Dredge and fill \pm 3,160 sq. ft. of intermittent stream and palustrine forested wetlands to improve an existing woods/farm road for access to forestry/agricultural activities.

With Conditions:

1. All work shall be in accordance with plans by USDA-NRCS dated May 28, 2009, and June 16, 2009, as received by the Department on July 06, 2009. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The Applicant has confirmed Milliken Brook will not be crossed or impacted in any way by the proposed project.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

LAKES-SEASONAL DOCK NOTIF

2009-01982 ALLEN, JEFFREY
CANAAN Goose Pond

COMPLETE NOTIFICATION:
Canaan Tax Map I-F, Lot# 87 Goose Pond

X-SHORELAND VARIANCE / WA

2008-00349 DULAC, REBECCA
WASHINGTON Millen Pond

Requested Action:

Replace an existing nonconforming primary structure located within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 240 ft of frontage on Millen Pond in Washington.

Inspection Date: 05/25/2008 by Thomas Gilbert

Inspection Date: 08/06/2009 by Raymond M Reimold

APPROVE PERMIT:

Replace an existing nonconforming primary structure located within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 240 ft of frontage on Millen Pond.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9 II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be conducted in accordance with revised building plans, stormwater control plans, and landscaping plans by Moser Engineering dated August 11, 2009 and received by DES on August 17, 2009.
2. This Waiver shall not be effective unless and until it has been recorded at the Sullivan County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surfaces within the Setback other than those shown on revised building plans, stormwater control plans, and landscaping plans by Moser Engineering dated August 11, 2009 and received by DES on August 17, 2009.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is prohibited.
7. All proposed vegetation shall be planted by July 1, 2010. Plantings shall have a 90% survival success rate by October 31, 2010. An initial monitoring report shall be submitted to DES by November 15, 2010 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
8. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.

9. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
10. This waiver is contingent on review and approval of the project by the DES Subsurface Systems Bureau.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. DES and the town of Washington, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.
14. The authorization provided herein is contingent upon compliance with all conditions specified. In the event any condition is violated, the State or town of Washington may seek appropriate relief, including but not limited to removal of the structure authorized by this waiver.

With Findings:

1. The existing structure, as identified on the town of Washington Tax Map 15 Lot 79, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 11 ft from the reference line, has a ridgeline height of approximately 13 ft and a footprint of approximately 634 sq ft.
3. The proposed structure will be located approximately 16.3 ft from the reference line, have a ridgeline height of approximately 23 ft and a footprint of approximately 1129 sq ft.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system in place of an existing drywell located approximately 5 ft from the reference line.
6. The Applicant has proposed to plant native vegetation along the water front, including High Bush Blueberry, Chokecherry, Mountain Laurel, Silky Dogwood or any tree or shrub listed on the table entitled "Native Shoreland/Riparian Buffer Plantings for New Hampshire" dated March 2006 and published by the NH DES Water Division.
7. The Applicant has proposed to install stormwater controls consisting of infiltration trenches along the drip edges of the proposed primary structure and along the proposed retaining walls for stormwater infiltration.
8. The Applicant has proposed to remove an existing shed and an existing privy occupying approximately 216 sq ft.
9. The Applicant's proposal will increase the setback of the primary structure from the reference line by approximately 5.3 ft and includes a new septic system, stormwater controls and native plantings.
10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II to be eligible for a waiver.

ROADWAY MAINTENANCE NOTIF

2009-01977

KEENE DPW, CITY OF

KEENE Black Brook

COMPLETE NOTIFICATION:

Replace a failed culvert

**2009-01978 NH DEPT OF TRANSPORTATION
PITTSFIELD Unnamed Wetland**

COMPLETE NOTIFICATION:
Maintenance dredge drainage swale

PERMIT BY NOTIFICATION

**2009-01651 MINDFUL LIVING INITIATIVE, MICHAEL CIBORSKY
ALSTEAD Unnamed Stream**

Requested Action:
Impact approximately 96 sq. ft. of an intermittent stream for access. Work in wetlands consists of one intermittent stream crossing with an 18" diameter culvert and associated filling and grading.

PBN IS COMPLETE:
Impact approximately 96 sq. ft. of an intermittent stream for access. Work in wetlands consists of one intermittent stream crossing with an 18" diameter culvert and associated filling and grading.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program.
4. The Natural Heritage Bureau determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, they do not expect that it will be impacted by the proposed project.

**2009-01726 PSNH
BERLIN Unnamed Wetland**

Requested Action:
Temporarily impact 26,400 square feet of wetlands to access 4 utility poles for repair. A total of 2,200 linear feet of swamp mats will be installed in the PSNH utility line Right-of-Way.

PBN IS COMPLETE:
Temporarily impact 26,400 square feet of wetlands to access 4 utility poles for repair. A total of 2,200 linear feet of swamp mats will be installed in the PSNH utility line Right-of-Way.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14), Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau or the Conservation Commission.

**2009-01817 PSNH
MILAN Unnamed Wetland**

Requested Action:

Temporarily impact 22,800 square feet of wetlands to access 3 utility poles for repair. A total of 1,900 linear feet of swamp mats will be installed in the PSNH utility line Right-of-Way.

PBN IS COMPLETE:

Temporarily impact 22,800 square feet of wetlands to access 3 utility poles for repair. A total of 1,900 linear feet of swamp mats will be installed in the PSNH utility line Right-of-Way.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14), Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
2. The Conservation Commission did not sign the PBN, and therefore did not waive their right to intervene pursuant to RSA 482-A:3:11.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau or the Conservation Commission.

**2009-01910 REAL ESTATE INVESTORS GROUP
RYE Unnamed Wetland**

Requested Action:

Temporarily impact 500 square feet of palustrine wet meadow for the installation of a sewer main to the existence single family residential dwelling.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the PBN application.

PBN IS COMPLETE:

Temporarily impact 500 square feet of palustrine wet meadow for the installation of a sewer main to the existence single family residential dwelling.

**2009-01979 PSNH
GORHAM Unnamed Wetland**

Requested Action:

Temporarily impact 3,360 square feet of wetlands to access 17 utility poles for repair. A total of 280 linear feet of swamp mats will be installed in the PSNH utility line Right-of-Way.

PBN IS COMPLETE:

Temporarily impact 3,360 square feet of wetlands to access 17 utility poles for repair. A total of 280 linear feet of swamp mats will be installed in the PSNH utility line Right-of-Way.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14), Temporary impacts associated with the

inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).

2. The Conservation Commission signed the PBN, and therefore waived their right to intervene pursuant to RSA 482-A:3:11.

3. NHFG Nongame and Endangered Species Program has reviewed the project and commented that as work is scheduled to begin in September, they do not expect impacts to any undocumented breeding eagles at this location as the young would be fledged and out of the nest at this time. NHFG requested to be called if an eagle nest is encountered so that they may work to avoid impacts to the species.

4. No comments were submitted from the Natural Heritage Bureau.

CSPA PERMIT

2009-00215 BRESNAHAN, JOSEPH & KAREN
ALTON Lake Winnepesaukee

Requested Action:

Impact 8,500 sq ft for the purpose of constructing a single family dwelling with 2 screened porches and a deck and installing a state approved septic system.

APPROVE AMENDMENT:

AMENDED PERMIT TO READ: Impact 8,500 sq ft for the purpose of constructing a single-family dwelling with 2 screened porches and a deck and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders Inc. amended August 13, 2009 and received by the Department of Environmental Services ("DES") on August 19, 2009.
2. The temporary access path within the waterfront buffer for construction activities according to plans by Beckwith Builders Inc. may be no more than 12 feet wide and shall be re-vegetated with native trees, shrubs and ground cover upon completion of project installation.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. No portion of the proposed primary structure shall be constructed within the primary building setback.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 10.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 11,158 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,717.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01034 MCGONAGLE, PAUL & MARIE
CARROLL Ammonoosuc River

Requested Action:

Repair 45 linear feet of riverbank due to heavy erosion problems

DENY PERMIT:

Repair 45 linear feet of riverbank due to heavy erosion problems

With Findings:

FINDINGS OF FACT:

1. A request for additional information dated June 18, 2009 addressed to the applicant or agent of record, clearly requested the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 483-B:5-b, V(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-01165 CORRADO, CAROL
LACONIA Lake Winnepesaukee

Requested Action:

Impact 405 sq ft for the purpose of constructing a 15'x 27' deck onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 405 sq ft for the purpose of constructing a 15'x 27' deck onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Luke Quimby dated August 13, 2009 and received by the Department of Environmental Services ("DES") on August 13, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
4. No more than 17.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01372 LAPIERRE, MICHAEL & CHARLOTTE
HAMPTON Atlantic Ocean

Requested Action:

Impact 305 sq ft for the purpose of expanding an existing primary structure.

APPROVE PERMIT:

Impact 305 sq ft for the purpose of expanding an existing primary structure.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc. received by the Department of Environmental Services ("DES") on July 2, 2009.
2. No more than 44.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,554 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,917 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01374 BROOKS, ROBIN
FITZWILLIAM Laurel Lake

Requested Action:

Impact 9100 sq ft for the purpose of constructing a single-family dwelling, with parking area, regrading an existing gravel driveway and installing a state approved septic system.

APPROVE PERMIT:

Impact 9100 sq ft for the purpose of constructing a single-family dwelling, with parking area, regrading an existing gravel driveway and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by GRAZ Engineering LLC dated June 29, 2009 and received by the Department of Environmental Services ("DES") on July 2, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 15.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 5,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,075 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01499 CARBONE, RANDALL
WOLFEBORO Lake Wentworth

Requested Action:

Impact 18,562 sq ft for the purpose of constructing new accessory structures and conducting landscaping activities.

APPROVE PERMIT:

Impact 18,562 sq ft for the purpose of constructing new accessory structures and conducting landscaping activities.

With Conditions:

1. All work shall be in accordance with plans by Eric R. Buck of Pollock Land Planning, LLC, dated and received by the Department of Environmental Services ("DES") on July 14, 2009 and August 18, 2009.
2. No more than 17.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 14,861 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,870 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01740 VANBLARCOM, EDWARD

JAFFREY Contoocook River

Requested Action:

Impact 5226 sq ft for the purpose of constructing a 4-bedroom, single-family dwelling and installing a state approved septic system.

APPROVE PERMIT:

Impact 5226 sq ft for the purpose of constructing a 4-bedroom, single-family dwelling and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated August 7, 2009 and received by the Department of Environmental Services ("DES") on August 11, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. No more than 3.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01769 GILBERT, JOHN/LYNN
NEWBURY Lake Sunapee

Requested Action:

Impact 17200 sq ft for the purpose of removing an existing single-family dwelling and constructing a 5940 sq ft single-family dwelling with a patio, reconstructing an existing walkway, and converting an existing driveway to a pervious driveway.

APPROVE PERMIT:

Impact 17200 sq ft for the purpose of removing an existing single-family dwelling and constructing a 5940 sq ft single-family dwelling with a patio, reconstructing an existing walkway, and converting an existing driveway to a pervious driveway.

With Conditions:

1. All work shall be in accordance with plans by Pelletteri and Associates revised August 11, 2009 and received by the Department of Environmental Services ("DES") on August 12, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 26.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 6,290 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,733 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Stormwater management systems shall be in place within 60 days of construction of the proposed foundation.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-01812 BELMONT, TOWN OF
BELMONT Pout Pond

Requested Action:

Impact 3200 sq ft for the purpose of constructing utility lines to an existing pump station.

APPROVE PERMIT:

Impact 3200 sq ft for the purpose of constructing utility lines to an existing pump station.

With Conditions:

1. All work shall be in accordance with plan sheet 2 by Underwood Engineering dated July 9, 2009 and received by the Department of Environmental Services ("DES") on August 17, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. No more than 7.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 39,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 39,400 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01888 NH DEPT OF TRANSPORTATION
DUMMER Androscoggin River

Requested Action:

Request to amend permit for improved road alignment.

APPROVE AMENDMENT:

Amend permit to read: Impact 156,808 sq ft within protected shorelands along the Androscoggin River to realign approximately 2,640 linear feet of Rte 16 in Dummer.

With Conditions:

1. All work shall be in accordance with plans by the NH DOT Bureau of Highway Design dated 3, September, 2009 and received by the Department of Environmental Services ("DES") on 3, September, 2009.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. Silt fencing must be removed once the area is stabilized.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. All work within the banks of the Androscoggin River shall only be conducted as approved by the Wetlands Bureau in accordance with RSA 482-A.

CSPA PERMIT W/WAIVER

2009-00697 1380 REALTY LLC
DERRY Island Pond

Requested Action:

Impact 5715 sq ft for the purpose of expanding an existing single-family dwelling, constructing a detached garage and a pervious driveway, and installing a state approved septic system.

APPROVE PERMIT:

Impact 5715 sq ft for the purpose of expanding an existing single-family dwelling, constructing a detached garage and a pervious driveway, and installing a state approved septic system.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be in accordance with plans by James Lavelle Associates LLC revised February 23, 2009 and received by the Department of Environmental Services ("DES") on July 8, 2009.
2. This approval includes a Waiver of RSA 483-B:9,II and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No new impervious surfaces shall be constructed until the state approved septic system is installed shown on the approved plans.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. Within three days of final grading or Temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. No more than 18.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the

applicant were not previously permitted or grandfathered.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Island Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in expanding the footprint of a non-conforming primary structure.
4. The applicant has proposed to install dry-wells and install a state approved septic system and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

**2009-01062 BONENFANT, JEAN PIERRE & ROSILDA
DERRY Beaver Lake**

Requested Action:

Impact 8,573 sq ft to remove 2 structures including a non-conforming structure and construct a single non-conforming primary structure and driveway.

Inspection Date: 06/10/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 8,573 sq ft to remove 2 structures including a non-conforming structure and construct a single non-conforming primary structure and driveway.

WAIVER APPROVED: RSA 483-B:9,II, (b), is waived to allow the construction of a primary structure that will encroach upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc. revised August 27, 2009 and received by the Department of Environmental Services ("DES") on September 1, 2009.
2. This approval includes a waiver of RSA 483-B:9, II, (b) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 13.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will result in the restoration of areas to remain in an unaltered state such that approximately 3,175 sq ft of the Natural Woodland Buffer beyond the primary building setback shall be maintained in an unaltered state. At least 3,175 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the areas to be restored to an "unaltered state" and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each restored area.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in improved storm water treatment through reduced impervious area within the primary building setback and restoration of areas to remain in an unaltered state.
4. The applicant has proposed to reduce the total area of impervious surfaces and restore areas to be maintained in an unaltered state to offset the proposed impacts, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.